

Report Date: September 22, 2006

United States District Court**for the****Eastern District of Washington****Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender***(Probation Form 49, Waiver of Hearing is Attached)*FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SEP 29 2006

JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON

Name of Offender: Ruben Guzman

Case Number: 2:00CR02058-001

Name of Sentencing Judicial Officer: The Honorable Justin L. Quackenbush

Date of Original Sentence: 10/03/2000

Type of Supervision: Supervised Release

Original Offense: Distribution of a Controlled
Substance (Methamphetamine), 21 U.S.C. § 841(a)(1)

Date Supervision Commenced: 08/28/2005

Original Sentence: Prison - 77 Months;
TSR - 36 Months

Date Supervision Expires: 08/27/2008

PETITIONING THE COURT

To modify the conditions of supervision as follows:

- 16 You shall participate in the home confinement program for 180 days. You shall abide by all the requirements of the program, which will include electronic monitoring or other location verification system. You shall pay all or part of the costs of the program based upon your ability to pay.
- 17 You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.
- 18 You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.
- 19 You shall not enter into or remain in any establishment where alcohol is the primary item of sale.

CAUSE

On September 8, 2006, Mr. Guzman was observed by the Washington State Patrol driving eastbound on Interstate 90, and unable to remain in his lane of travel. Subsequently, he was stopped by a state trooper. When contacting the defendant he placed his vehicle in reverse and almost hit the state patrol vehicle. Upon contacting Mr. Guzman, the trooper could detect the odor of alcohol. Mr. Guzman submitted to field sobriety tests, which he failed. After making vulgar comments to the trooper, Mr. Guzman was taken into custody. Mr. Guzman refused a blood alcohol

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content test and was booked into the Spokane County Jail, charged with driving while intoxicated and unsafe/improper lane travel. It should be noted during this process, Mr. Guzman made vulgar comments to the trooper and informed that he was going to fight everything.

Mr. Guzman has struggled with maintaining employment during the period of supervision and is currently unemployed. Additionally, his residence is questionable due to not being on a lease and has been unable to receive mail where he is staying. The undersigned officer has contacted Mr. Guzman's attorney, Gregory Scott, and discussed this matter, along with the modifications. Given his current lack of stability, the above modification is justified not only as a sanction for his actions, but will allow for more intense structured supervision and limit his actions in the community.

Respectfully submitted,

by

Richard B. Law

U.S. Probation Officer

Date: September 22, 2006

THE COURT ORDERS

- ☐ No Action
☐ The Extension of Supervision as Noted Above
☒ The Modification of Conditions as Noted Above
☐ Other

Signature of Judicial Officer

Date